



PROCUREMENT & PROPERTY

Office of the Chief Financial Officer

June 30, 2014

Subject: Request for Proposal (RFP) No. 1041
Proposal Due Date: August 25, 2014

The University of California, Lawrence Berkeley National Laboratory ("University" or "LBNL") requests a proposal for deactivation and demolition (D&D) construction services, in accordance with this RFP and the enclosed Proposal Preparation Instructions, Sample Subcontract, and other enclosures. There will be a pre-proposal conference (see the Proposal Preparation Instructions). There will be a pre-proposal site inspection (see the Proposal Preparation Instructions). There may be an opportunity for an oral presentation (see the Proposal Preparation Instructions).

It is expected the Subcontract will be performed over a period of 15 months. The estimate price range for the Subcontract is from \$8.0M to \$14.0M.

SUBMITTAL OF PROPOSALS

Complete written proposals must be received by Sharon Ropes, the undersigned LBNL Procurement Representative, no later than 3:00pm Pacific Time on August 25, 2014. The University requires five submissions in electronic format with searchable text, plus one hard copy.

Proposals may be hand delivered to the LBNL Procurement Representative. Offerors planning to hand-deliver a proposal must contact the LBNL Procurement Representative at least 24 hours before the due date to receive a site pass to enter the Berkeley laboratory site for proposal delivery.

In the alternative, proposals may be mailed to the following address, provided they are received by the LBNL Procurement Representative no later than the stipulated date and time:

Lawrence Berkeley National Laboratory
Attention: Sharon Ropes
Mail Stop 76-225
RFP 1041
One Cyclotron Road
Berkeley, CA 94720

The proposals shall be valid for a period of 90 days from the proposal due date. Acceptance of late proposals will be at the University's sole discretion. The University reserves the right to reject any and all proposals, to waive any minor irregularities in any proposal, or to cancel this RFP at any time prior to award without cost to the University. The University will not reimburse any firm for any preparation costs or any other costs related to the participation or preparation of this RFP.

NAICS CODE AND SMALL BUSINESS SIZE STANDARD

The North American Industry Classification System (NAICS) Code for this acquisition is 238910, Site Preparation. The corresponding small business size standard for this acquisition is

annual receipts of \$14.0 Million or less. Annual receipts are to be based on the average annual gross revenue for the past three fiscal years.

The Offeror shall complete the *Small Business Program Representations* clause in the attached Representations and Certifications form based on this small business size standard. Refer to Subpart 19.1 - Size Standards of the Federal Acquisition Regulation (FAR) for information on calculating the annual average gross revenue.

EVALUATION AND SELECTION

The University intends to select the responsive and responsible Offeror whose proposal satisfies the minimum requirements specified in this RFP and offers the best overall value. The University will consider factors other than price.

The University will evaluate the proposals by comparing the performance features, supplier attributes, price, and other factors offered by each proposal, focusing on the strengths and weaknesses and striking the most advantageous balance between expected performance and the overall price to LBNL, as stated in the proposal preparation instructions. Offerors, therefore, must be persuasive in describing their proposed performance features, supplier attributes, and other factors and value enhancing the likelihood of successful performance and achievement of LBNL's objectives.

The University's evaluation will be based on the information provided by the Offeror, the University's own experience, and/or information from the Offeror's customers and other sources. The University may select an offer based on the initial proposal(s) or the University may elect to negotiate with Offerors selected as finalists. The University reserves the right to make no awards, a single award, or multiple awards as a result of this solicitation, if it is in the best interest of the University.

ADDENDUMS

The University will provide supplementary information for the Quality Assurance Project Plan and the Sub-Slab Soil Characterization and Soil Cleanup Plan in a formal addendum with specific instructions and provisions during the proposal preparation process.

FUNDING AVAILABILITY

Funding for the work described in the Sample Subcontract is currently available. The award is contingent on DOE Order 415.3b critical decision 2/3 approval. The University anticipates approval of CD-2/3.

ENCLOSURES

The following enclosures are provided and need to be returned with proposal:

- Old Town Demolition Project Phase I Price Proposal Form

The following enclosures are provided and need not be returned with the proposal:

- Proposal Preparation Instructions
- Sample Subcontract and its Incorporated Documents
- Model Small Business Subcontracting Plan
- Statement of Work
- Insurance Certificate Instructions
- Project Manual Specifications, Drawings and Reports

This solicitation is governed by procurement policies and procedures established under the University's Prime Contract with the U.S. Government, represented by the Department of Energy ("DOE"), for management and operation of LBNL. Proposals submitted will be treated as offers and any resulting award(s) will be a Subcontract under the Prime Contract.

If there are any questions, please contact me by phone at (510) 486-6932, or by email at SARopes@lbl.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sharon Ropes".

Sharon Ropes
LBNL Procurement Representative

PROPOSAL PREPARATION INSTRUCTIONS

PROPOSAL CONTENTS

General

The proposal should consist of a technical/management proposal and a price proposal. The proposal should be submitted with a cover letter identifying the Offeror's name and address, solicitation number and title, the name(s), title(s), and telephone number(s) of the individuals in Offeror's organization who have commitment authority on behalf of the Offeror and will be responsible for contractual negotiations and administration of any resultant Subcontract.

Technical/Management Proposal

The technical/management proposal should contain a comprehensive discussion of how the Offeror will fulfill the technical/management requirements and successfully perform the Subcontract, including a completion schedule and a discussion of the important performance features and supplier attributes, as described below, highlighting any aspects which separate it from its competitors. LBNL requires completion by November 20, 2015. An alternate completion date may be proposed which may be subject to negotiation prior to award. A work breakdown structure or task plan shall be proposed.

Include pricing for the various tasks and the alternates, options and waste removal unit pricing as listed on the enclosed Price Proposal Form in the proposal:

Minimum Requirements

The technical/management proposal must include copies of required certifications and demonstrate that the following minimum requirements are met or exceeded:

- A-General Engineering Contractor license or B-General Building Contractor license.
- C21 Building Moving/Demolition Contractor License.
- ASB asbestos certification.
- HAZ – Hazardous Substance Removal certification; DOSH registration for asbestos and AHERA trained asbestos workers.
- State certification for storm water protection at the Qualified Stormwater Developer Level.

Desired Performance Features and Supplier Attributes

The technical/management proposal should identify, describe, and discuss the performance features and supplier attributes the Offeror considers important to successful performance of the proposed Subcontract. LBNL has identified the performance features and supplier attributes listed below, which are the qualitative criteria that LBNL will use for the subjective evaluation of proposals. They are not listed in any order of importance and no feature or attribute is more important than any other. The Offeror should discuss them in the proposal and may identify other performance features and supplier attributes it believes may be of value to LBNL. If LBNL agrees, they will be considered in the evaluation process. In all cases, LBNL will assess the value of each proposal as submitted.

Performance Features

- LBNL desires that the Offeror select and manage an effective team of its own personnel and lower tier subcontractors to accomplish the project as described in the project requirements and within the designated schedule. The Offeror's proposal should discuss the following:

- The Offeror should provide a narrative description that expresses its approach and problem solving to the project for both the base work and all alternates including: mobilization, demobilization and worker training; surface water and groundwater pollution prevention; removal and disposal of fixed equipment under DOE O 458.1; abatement of radioactive and hazardous materials to include the ACM cementitious coating on the exterior of Building 5; removal of radiologically contaminated process piping inside and outside of Building 5; miscellaneous utility cutting and capping; miscellaneous utility removal; temporary utility installation; deactivation of electrical Banks 10 and 15; deactivation of the fire sprinkler systems (deactivation of the fire alarm circuits will be performed by LBNL); relocation of the Ground Water Treatment system; MARSSIM scanning and structure demolition; removal of the concrete slabs and sub-slab utilities; reinforcement of existing retaining walls, vibration control; construction of new retaining walls; subsequent removal of foundations and footings; excavation and removal of contaminated and hazardous soil; soil sampling, analysis and characterization to confirm clean and backfilling and compacting with clean import as defined in the Soil and Waste Management Plan; debris removal, hazardous waste handling; site stabilization including but not limited to lighting; paving and drainage. The Offeror should provide a description of how its proposed intended approach will offer reduced impact on other laboratory and community activities such as noise and vibration, maintain safety of the environment and personnel, and abate hazards.
- The Offeror should provide current California, Nuclear Regulatory Commission, or Agreement State Radioactive Material License authorizing radiological decommissioning activities, as well as copies of all inspection reports of licensed activities conducted of that radioactive materials license within the last three years
- A history of all decommissioning jobs conducted in California in the last ten years
- The Offeror should identify the proposed lower tier subcontractors for this project, the portions of the work to be performed by each subcontractor and provide a list/description of previous projects on which the Subcontractor has worked with the lower tier subcontractors.
- The Offeror should provide draft planned schedule of not more than 15 months for the execution and completion of the work as described in the project requirements, including the times specified for LBNL activities, such as document reviews, laboratory analyses, and laboratory shutdowns and holidays. The project completion date shall not be later than November 20, 2015.
- The Offeror should provide a discussion of the approach for minimization, handling, and disposition of project wastes. This discussion should identify work to be performed by each subcontractor, and include a list/description of previous projects in which demolition debris, low-level radiological waste, and hazardous material contaminated waste has been minimized and disposed.

Supplier Attributes

- LBNL desires to have a project team that is experienced in the type, size and complexity of this project. The Offeror's proposal should discuss the following:
 - The Offeror should identify and provide the experience and qualifications of the proposed team and key personnel who will perform the work including the Project Executive, Project Manager, Project Controls (and Scheduling) Lead, Superintendent, Certified Safety Professional, and Radiological Protection lead. The Offeror should indicate the percentage of time the key

personnel will be assigned to the project and percentage of time key personnel will be on the LBNL site. The resumes should include education, professional certifications, and information about specific past projects on which the individuals have worked together.

- The Offeror must have successfully performed recent contracts similar in type and complexity as the proposed Subcontract.
- The Offeror must include in its proposal a written description of at least three recent contracts which the Offeror successfully completed, similar in type and complexity to the scope of the proposed Subcontract. Include projects previously performed for LBNL. Offerors must also provide information on problems encountered on the identified contracts and the corrective action taken. It is required to include technical and business contact information for the contracts, including name, title, telephone number and/or e-mail address. The Offeror must also identify and provide resumes for key personnel who will perform under the proposed Subcontract. LBNL reserves the right to request additional information and to check references as appropriate. Key elements of example projects should include abatement and demolition of buildings with hazardous and radiological contamination, structurally challenging and space-constrained demolition of facilities, and remediation of soils with both hazardous and radiological contamination. When describing past projects the Offeror shall note issues with the difficulty of structural demolition, waste disposal challenges and contaminated soil remediation. These past projects may include public and private contracts. Include technical and business contacts by name, title, address, telephone number and e-mail address. The Offeror is encouraged to include a self-assessment of its performance on these projects including what went well and what did not.
- The Offeror shall describe its proposed organizational approach to management of this project, including reporting relationships and involvement of the firm's executive management.
- The Offeror shall document and discuss its proven ability to schedule and complete, on budget and on time, past projects of a similar nature.
- LBNL desires to have a project team that is experienced in site logistics challenges of this project. The Offeror's proposal should discuss the following:
 - The LBNL site has restricted vehicle and truck access and the OTD Phase 1 site is further restricted by hilly terrain and limited access around the site that will require access for emergency vehicles. The Offeror shall address plans for the lay down and storage of equipment, debris and traffic controls to/from and around the building site and shall reflect the limitations and constraints outlined in the LBNL-prepared OTD Phase 1 Site Logistics Plan.
- LBNL desires to have alternate approaches that both meet project objectives and yield cost or schedule benefits. Examples of areas the Offeror may propose alternatives including the following:
 - The retaining wall reinforcement design included with RFP is provided as an acceptable approach. The Offeror may propose an alternate approach, subject to LBNL review and approval, which meets site stabilization objectives.
 - Demolition and disposal of the entire Building 5 and its slab as low-level radioactive waste is an acceptable approach. The Offeror may describe plans that meet project objectives and result in

waste volume reduction and recycling. Associated benefits to the Offeror may, for example, be reflected in the unit prices for decreases in waste quantities.

- The sequence of project activities (work schedule) described in the Statement of Work is provided as an example approach. The Offeror shall propose two work schedules, subject to LBNL review and approval. The base work schedule should optimize the sequence of activities to reflect the best cost and schedule benefit to LBNL. The second work schedule shall include the following limitation: slab removal and sub-slab soil cleanup of the Building 5 area occur first; after completion of Building 5 soil cleanup, the Building 52 slab removal and soil cleanup begin; after completion of Building 52 soil clean-up, the building 16 slab removal and soil cleanup begin; after completion of Building 16 soil cleanup, all other areas, slab removal and soil cleanup is completed in a serial fashion, e.g., the slab from the fifth building site is not removed until both slab removal and soil cleanup from the fourth building site are complete.
- The Offeror should have adequate financial resources to perform the Subcontract, or the ability to obtain them.

The proposal should describe the Offeror's current financial condition and its financial ability to fully support performance of the proposed Subcontract. The Offeror's financial capability should be supported by audited and certified year-end financial statements for the last two years in the form of balance sheets and income statements, and include information on any commitments or explicit arrangements that will be relied on to acquire the needed facilities, equipment, other resources, or personnel. LBNL reserves the right to request additional financial statements or information regarding the Offeror's financial resources.

Price Proposal

The price proposal must be provided on the Old Town Demolition Project Phase I Price Proposal Form attached and must include a total firm fixed price for the total project excluding alternates and options.

Prices for individual elements on the Price Proposal Form shall represent all costs associated with the element, such as labor, materials, equipment, support functions, management, fees, G&A, and profit. Elements with waste costs shall include waste handling, manifesting, profiling, packaging, transportation, disposal and applicable portions of waste management program implementation. If applicable, salvage values shall be included in the prices on the Price Proposal Form. The sum of the price elements shall equal the total firm fixed price for the total project excluding alternates.

Alternate, Options and Unit Prices

Lump sum fixed prices should also be submitted for the alternates, options and waste removal unit pricing as listed in the price proposal form. Failure to provide a price for a requested alternate, option or unit pricing may result in disqualification of the entire proposal, at the University's discretion.

Offerors shall provide unit prices for variations in the quantities provided in the statement of work of the items listed below. Variations are defined as increases or decreases of 5% or more in the total quantity of a material. The unit prices shall be inclusive of all associated costs, including but not limited to labor, materials and supplies, for sampling, characterization, removal, packaging, transportation, disposal, and Offeror's G&A, fees and profit. The unit prices may be different for increases and decreases in quantities.

1. Offerors shall provide a unit price per ton for variations in Non-rad contaminated soil remediation quantities.

2. Offerors shall provide a unit price per ton for variations in TSCA Hazardous (Non-Rad contaminated) soil remediation quantities.
3. Offerors shall provide a unit price per ton for excavation, clean imported backfill, placement and compaction.
4. Offerors shall provide a unit price per ton for variations in the low-level radioactive waste quantities.
5. Offerors shall provide a unit price per cubic foot for variations in the mixed low-level radioactive/hazardous waste quantities.

Small Business Subcontracting Plan

Unless the Offeror is a small business or the total value of the proposal is less than \$1,500,000, the selected Offeror will be required to submit for approval a Small Business Subcontracting Plan which includes the total anticipated subcontracting amount and percentage goals and amounts for all of the various small business categories. Refer to the *Small Business Subcontracting Plan* clause (FAR 52.219-9) referenced in the General Provisions and the attached *Model Small Business Subcontracting Plan* for additional information. The approved plan will be made a part of the resulting Subcontract. Failure to submit an acceptable subcontracting plan may cause the selected Offeror to be ineligible for award of the Subcontract.

E-Verify Program Enrollment Verification

The Subcontract will include FAR Clause 52.222-54, *Employment Eligibility Verification*. Accordingly, the selected Offeror will be required to:

1. Be enrolled as a Federal contractor in the Government's online E-Verify system, which is located at: <https://e-verify.uscis.gov/enroll>) and, if necessary, provide LBNL with written verification of the enrollment;
2. Use the E-Verify system to verify the employment eligibility of all employees assigned to the Subcontract and of all new hires working in the United States, except that if the selected Offeror is an institution of higher education as defined at 20 U.S.C. 1001(a), or a State or local government or the government of a Federally recognized Indian tribe, it may choose to verify only new hires assigned to the Subcontract; and
3. Include the clause in lower-tier subcontracts for construction or services exceeding \$3,000, as required by the clause, and, if necessary, provide LBNL with written verification of the inclusion of the clause in the subcontracts and the lower-tier subcontractors' enrollment in the E-Verify system.

Additional information about the employment eligibility verification requirements is available at <http://www.uscis.gov/everify>.

Hazardous Material Identification and Safety Data

- A. The Offeror must include in its proposal a list of any hazardous material to be delivered or used on site under the Subcontract. Hazardous material, as used herein, includes any material defined as hazardous under the latest version of Federal Standard No. 313 (including revisions adopted during the term of the Subcontract). The list must be similar to the sample list below. The

hazardous material shall be properly identified and include any applicable identification numbers, such as National Stock Number or Special Item Number. This information shall also be included on the material safety data sheet required to be submitted for the Subcontract.

SAMPLE LIST

Hazardous Material (If none, insert None)	Identification No.
_____	_____
_____	_____
_____	_____

- B. The selected Offeror must submit, prior to award, a Material Safety Data Sheet (MSDS), meeting the requirements of 29 CFR 1910.1200(g) and the latest version of Federal Standard No. 313, for all hazardous material identified in the list provided pursuant to this instruction. Data shall be submitted in accordance with Federal Standard No. 313, whether or not the selected Offeror is the actual manufacturer of these items. Failure to submit the material safety data sheet and radioactive source identification and backup prior to award may result in the selected Offeror being considered nonresponsive and ineligible for award.
- C. The selected Offeror, by acceptance of the Subcontract, certifies that the list provided pursuant to this instruction is complete. This list must be updated prior to award or during performance of the Subcontract whenever any other hazardous material is to be delivered under the Subcontract. After award, the selected Offeror will be required to comply with FAR Clause 52.223-3, *Hazardous Material Identification and Material Safety Data*, including its *Alternate I*.

Workplace Substance Abuse Program Plan

The Subcontract will require the performance of hazardous activities that may involve a high risk of danger to life, public health and safety, transportation of hazardous materials, or the environment, and will include DEAR Clause 970.5223-4, *Workplace Substance Abuse Programs at DOE Sites*, which requires the Subcontractor to develop, implement, and maintain a workplace substance abuse program consistent with Part 707 of Title 10 of the Code of Federal Regulations (10 CFR 707).

Before the work can begin, the Offeror selected for award will be required to submit for approval a written Workplace Substance Abuse Program Plan (WSAPP) consistent with 10 CFR 707. Upon execution of the Subcontract and submittal and approval of the Subcontractor's WSAPP, LBNL will issue a written notice to proceed with the work. The selected Offeror will also be required to include DEAR Clause 970.5223-4 in any lower-tier subcontract with a value of \$25,000 that will involve the performance of any of the hazardous activities. Any lower tier subcontractor's WSAPP must be approved in the same manner before the lower tier subcontractor is allowed to perform work.

The program shall provide that any applicant for a testing designated position shall be drug tested before final selection for employment or assignment to such a position. Also, the program shall provide that any personnel utilized in a testing designated position shall be subject to random drug testing at a rate equal to at least 50 percent of the total number of personnel in testing designated positions for each 12 month period. .

"Testing designated positions" are positions where the personnel's failure to adequately discharge his or her duties could cause significant harm to persons, property, the public health or safety, or the environment. Examples are: pilots, firefighters, and security personnel, public transportation vehicle operators, personnel directly engaged in production, use, storage, transportation, or disposal of hazardous materials, etc.

After the WSAPP is approved, its implementation will be subject to LBNL monitoring for compliance and effectiveness.

ADDITIONAL INSTRUCTIONS

Offerors' Questions

Questions must be submitted by e-mail to the LBNL Procurement Representative on or before July 24, 2014. Questions submitted after this date may not be answered prior to the proposal due date. Questions must be submitted by e-mail. Answers to questions that are germane to the interpretation of LBNL's requirements will be issued to all Offerors by e-mail, ensuring that the identity of all Offerors will remain anonymous.

Pre-Proposal Conference

LBNL intends to conduct a pre-proposal conference on July 17, 2014, 9am. The Offerors should assemble for the conference in Building 76 Room 235. A site map is available at: <http://www.lbl.gov/Workplace/site-access/parking/map.html>. LBNL will present additional information about the project which should be of interest to all Offerors. All Offerors solicited for this requirement are invited. The LBNL Procurement Representative will contact Offerors with information about the pre-proposal conference.

On-Site Inspection

Offerors are invited to inspect the work site immediately following the pre-proposal conference. The purpose of the site inspection is to ensure the Offerors gain the best possible understanding of the work conditions and requirements. Offerors will be given an opportunity to ask questions about the work, and physically observe the existing conditions, make measurements, identify obstacles, or do whatever else is necessary to become thoroughly acquainted with the requirements of the work.

Offerors shall inform the LBNL Procurement Representative, at least 24 hours in advance, of the number of persons it will have attend the site inspection, including any lower tier subcontractors, and the company they will be representing, so that Laboratory gate access can be arranged. To gain access to the site, all individuals shall present appropriate identification. Please allow sufficient time for the badging process. Those attending the site inspection are required to bring their own personal protective equipment including safety vest, hard hat, flashlights, and sturdy closed-toed footwear.

Oral Presentations

Offerors may be given the opportunity to make a brief oral presentation on how the Offeror would perform the work. The presentation must be given by project managers and/or other participants who will be directly involved in the work. Immediately following the presentation, LBNL may wish to discuss some specific elements of the proposal and interview the Offeror's presenters regarding the experience of the Offeror's personnel and the depth of their understanding of LBNL's requirements and expectations. The LBNL Procurement Representative will contact the Offerors selected for oral

presentations, to schedule and discuss any necessary details of the meeting. LBNL may videotape the proceedings and may use the videotape as part of the proposal evaluation process.

Safety-Related Requirements

The Subcontract will be subject to a *Worker Safety and Health Program* regulation enacted by the U.S. Department of Energy (DOE). It applies to work performed at LBNL worksites by LBNL and its Subcontractors. The regulation is located at Title 10, Part 851, of the U.S. Code of Federal Regulations (10 CFR 851). Provisions implementing the requirements of the regulation are included in the Sample Subcontract. Information on the regulation is available at the following website: <http://www.hss.energy.gov/HealthSafety/WSHP/rule851/851final.html>

Subcontractor personnel working on-site may be required to complete safety or other training specific to the LBNL facility or worksite where the work will be performed. The required training courses will be specified in the Subcontract documents. Subcontractor costs for the training are reimbursable under the Subcontract to the extent that the costs are identified in the Subcontractor's proposal and incorporated into the resulting Subcontract by LBNL.

For the resulting Subcontract, the Subcontractor may not commence any work performed at an LBNL worksite until the Subcontract has been awarded and signed. The subcontracted site work cannot begin, until the Subcontractor has submitted and LBNL has accepted the following documents, and issued a Notice to Proceed:

- Insurance Certificates, endorsement, or other documentation confirming the insurance coverage
- Subcontractor Job Hazard Analysis and Authorization Form for Non-Construction Activities Performed at LBNL Facilities (SJHA)
- Workplace Substance Abuse Program Plan
- Project Quality Assurance Plan

The selected Offeror will be provided instructions on submittal of such required documents. The insurance information shall be submitted directly to the University Procurement Representative.

Davis Bacon Act Requirements

Any resulting Subcontract will be subject to the Davis-Bacon Act and related labor regulations, which are identified in the Sample Subcontract. Offers shall be based on, and all laborers and mechanics performing work at the worksite under the Subcontract shall receive no less than the wages and benefits specified in, the Wage Determination provided with this RFP.

Offerors shall immediately notify the LBNL Procurement Representative if it intends to establish a secondary site specifically for the performance of a significant portion of the building or work for which the wage determination provided with this RFP is not applicable. The Proposal Due Date will not be extended as a result of an Offeror's request for a wage determination for a secondary site.

Buy American Act Requirements - Construction Materials

The General Provisions of the Sample Subcontract include FAR Clause 52.225-9, *Buy American Act - Construction Materials*, which requires that only construction materials be used in performing the Subcontract (i.e., construction material manufactured in the United States or unmanufactured construction material mined or produced in the United States), unless a specific exception applies. The

Offeror is to indicate in the Representations & Certifications form, to be submitted with the proposal, whether it proposes to furnish any foreign end construction material.

If the Offeror proposes to furnish any foreign construction material, the Offeror must request relief on the basis that domestic construction material is: (1) unreasonably priced, or (2) not commercially available in sufficient quantities of a satisfactory quality. Such requests should be submitted to the LBNL Procurement Representative in time to allow a determination before submission of Bids, if possible, or submitted with the Bid, and should include all information and applicable supporting data required to evaluate the request. When a Bid includes foreign construction material, the Offeror should also submit an alternate bid based on use of equivalent domestic construction materials, if possible.

Domestic construction material (i.e., unmanufactured construction material mined or produced in the United States) will not be considered unreasonable unless its cost exceeds the cost of comparable foreign unmanufactured construction material, including any import duty, by more than 6%.

Refer to FAR Clause 52.225-9 for the definition of: construction material, domestic construction material, and foreign construction material.

Acceptance of Terms and Conditions

By submission of a proposal, the Offeror will be considered to have accepted the terms and conditions of the Sample Subcontract, unless specific exceptions are taken and explained. The terms and conditions have been approved by the DOE, and it is not LBNL's intent to make significant changes to them. Resolving extensive exceptions may be time consuming and result in unacceptable delays in the award of a Subcontract, and cause LBNL to consider the Offeror's proposal to be non-responsive.

Proprietary Information

LBNL will treat any commercial or financial information in the proposal as proprietary information. LBNL prefers not to receive any proprietary technical information. If the proposal includes any proprietary technical information, it must be conspicuously marked as "Proprietary" or "Confidential", or an equivalent term. LBNL will endeavor to maintain proprietary information in confidence to the same degree as its own proprietary information and disclose such information to personnel other than LBNL or Government employees who are bound by an obligation of confidentiality and solely for the purpose of evaluation of the proposal.

If the Offeror intends to use a product or process in which there is a proprietary or background patent position, the proposal should so indicate and list patent applications and/or patents granted (including dates, numbers, and descriptions), and whether the Government has rights related to the patents.

(End of Proposal Preparation Instructions)